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1952.

**File No.** O/Electricity
No G-40/52. 52
Legal Department.
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**Subject:—**

opinion on the

Indian Electricity Act

**File No.** O./Electricity/52

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Office of the R.L.A.

The word 'occupier' has not been defined in the Indian Electricity Act. It however means 'an occupant or one who is in the enjoyment of a thing'. "A tenant though absent is generally speaking the occupier of premises but not a servant or other person who may be there virtute offici" (p. 1281 of Black's Law Dictionary). A tenant of agricultural land would be an occupier and as section 12 of the Indian Electricity Act provides for permission of owner or occupier, the tenant's permission ought to suffice. Amendment of the Act does not therefore seem to be necessary. But the difficulty has arisen only because in the form of requisition for supply of energy under clause VI(f) of the Schedule to the Indian Electricity Act, landlord's written authority for the tenant's taking the supply is insisted upon. If it is intended to do away with this consent, the form will have to be amended.

Sd/- P.N.L. 28/3

Remembrancer of Legal Affairs.

U.R. to A. & F.D., No.G-135, dated the 28th March 1952.

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Office of the R.L.A.

The view taken by the Electrical Engineer to Government that sub-section (2) of section 12 of the Indian Electricity Act, 1910 refers expressly to the Joint consent of the owner and occupier and, therefore, it is doubtful if the licensee notwithstanding the modification of the form of requisition, will undertake to execute works in connection with the supply of electricity unless the consent of the owner or landlord is actually produced by the tenant, is correct. R. L. A's opinion No. G-135, dated the 28th March 1952 was based on sub-section (2) of section 12 as given in 'S. K. Aiyer's law relating to Electricity in India and Burma' which provides for permission of owner or occupier. As, however, sub-section (2) of section 12 of the Act as published in the Gazette of India, March 19, 1910 requires the licensee to obtain the permission of both, the owner and the occupier before laying down or placing any electric supply line etc. under sub-section (1), it would be necessary to amend the Act so as to do away with the permission of the owner.

Id/- P.H.L. 16/6

Remembrancer of Legal Affairs.

U.R. to P.W.D., No. G-257, dated the 16th June 1952.

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